

1.1 moves to amend H.F. No. 1275, the first engrossment, as follows:

1.2 Page 1, delete line 21 and insert "subdivision as evidence in or as the basis of any
1.3 enforcement action against an operator or excavator, and must use the information only to
1.4 assess the performance of the excavation notice system."

1.5 Page 3, after line 16, insert:

1.6 "Sec. 4. Minnesota Statutes 2022, section 216D.04, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 5. **Intent to excavate.** An excavator may not submit a notice to the notification
1.9 center:

1.10 (1) if the excavator does not intend to excavate in the area of excavation proposed in
1.11 the notice within the period of time covered by the notice; or

1.12 (2) for excavation that cannot reasonably be commenced and substantially finished
1.13 within the period of time covered by the notice."

1.14 Page 4, after line 3, insert:

1.15 "Sec. 6. Minnesota Statutes 2022, section 216D.08, subdivision 1, is amended to read:

1.16 Subdivision 1. **Penalties.** (a) A person who is engaged in excavation for remuneration
1.17 or an operator other than an operator subject to section 299F.59, subdivision 1, who violates
1.18 sections 216D.01 to 216D.07 is subject to a civil penalty to be imposed by the commissioner
1.19 not to exceed \$1,000 for each violation per day of violation. An operator subject to section
1.20 299F.59, subdivision 1, who violates sections 216D.01 to 216D.07 is subject to a civil
1.21 penalty to be imposed under section 299F.60. The commissioner may not issue a notice of
1.22 violation to an operator for violation under section 216D.04, subdivision 3, paragraph (a),

2.1 unless the commissioner has determined that the excavator is not in violation of section
2.2 216D.04, subdivision 5.

2.3 (b) The district court may hear, try, and determine actions commenced under this section.
2.4 Trials under this section must be to the court sitting without a jury. If the fine exceeds the
2.5 maximum limit for conciliation court, the person appealing the fine may request the
2.6 commissioner to conduct an administrative hearing under chapter 14."

2.7 Renumber the sections in sequence and correct the internal references

2.8 Amend the title accordingly